



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4308

Introduced 1/28/2020, by Rep. Nathan D. Reitz

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2q-1 new	
520 ILCS 5/1.2q-2 new	
520 ILCS 5/2.37	from Ch. 61, par. 2.37
520 ILCS 5/3.1-2	from Ch. 61, par. 3.1-2
520 ILCS 5/3.1-4	
520 ILCS 5/3.1-7	
520 ILCS 5/3.3	from Ch. 61, par. 3.3

Amends the Wildlife Code. Provides that a veteran who is certified by the Department of Veterans' Affairs to be at least 10% disabled with service related disabilities or who is in receipt of total disability pension may trap, as permitted by the Code, without procuring a trapping license. Provides further that a military member returning from mobilization and service outside the United States who is an Illinois resident may trap, as permitted by the Code, without paying any fees required to obtain a trapping license, if he or she applies for the license within 2 years after returning from service abroad or after mobilization. Adds trapping licenses to the terminally ill hunter licensing program. Provides that persons on active duty in the Armed Forces or Illinois residents with a Type 1 or Type 4, Class 2 disability as defined in the Illinois Identification Card Act may trap, as permitted by the Code, without procuring a trapping license. Adds definitions. Effective immediately.

LRB101 17109 CMG 66509 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing
5 Sections 2.37, 3.1-2, 3.1-4, 3.1-7, and 3.3 and by adding
6 Sections 1.2q-1 and 1.2q-2 as follows:

7 (520 ILCS 5/1.2q-1 new)

8 Sec. 1.2q-1. Trapping license. "Trapping license" means an
9 electronic or physical license authorizing the person to take a
10 certain type of animal during a specified period of time.

11 (520 ILCS 5/1.2q-2 new)

12 Sec. 1.2q-2. Nuisance Wildlife Control Permit. "Nuisance
13 Wildlife Control Permit" means an electronic or physical
14 license authorizing the person to take a certain type of animal
15 as provided in Section 2.37.

16 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

17 Sec. 2.37. Authority to kill wildlife responsible for
18 damage. Subject to federal regulations and Section 3 of the
19 Illinois Endangered Species Act, the Department may authorize
20 owners and tenants of lands or their agents to remove or
21 destroy any wild bird or wild mammal when the wild bird or wild

1 mammal is known to be destroying property or causing a risk to
2 human health or safety upon his or her land.

3 Upon receipt by the Department of information from the
4 owner, tenant, or sharecropper that any one or more species of
5 wildlife is damaging dams, levees, ditches, cattle pastures, or
6 other property on the land on which he resides or controls,
7 together with a statement regarding location of the property
8 damages, the nature and extent of the damage, and the
9 particular species of wildlife committing the damage, the
10 Department shall make an investigation.

11 If, after investigation, the Department finds that damage
12 does exist and can be abated only by removing or destroying
13 that wildlife, a permit shall be issued by the Department to
14 remove or destroy the species responsible for causing the
15 damage.

16 A permit to control the damage shall be for a period of up
17 to 90 days, shall specify the means and methods by which and
18 the person or persons by whom the wildlife may be removed or
19 destroyed, and shall set forth the disposition procedure to be
20 made of all wildlife taken and other restrictions the Director
21 considers necessary and appropriate in the circumstances of the
22 particular case. Whenever possible, the specimens destroyed
23 shall be given to a bona-fide public or State scientific,
24 educational, or zoological institution.

25 The permittee shall advise the Department in writing,
26 within 10 days after the expiration date of the permit, of the

1 number of individual species of wildlife taken, disposition
2 made of them, and any other information which the Department
3 may consider necessary.

4 Subject to federal regulations and Section 3 of the
5 Illinois Endangered Species Act, the Department may grant to an
6 individual, corporation, association or a governmental body
7 the authority to control species protected by this Code
8 pursuant to the issuance of a Nuisance Wildlife Control Permit.
9 The Department shall set forth applicable regulations in an
10 Administrative Order and may require periodic reports listing
11 species taken, numbers of each species taken, dates when taken,
12 and other pertinent information.

13 Drainage Districts shall have the authority to control
14 beaver provided that they must notify the Department in writing
15 that a problem exists and of their intention to trap the
16 animals at least 7 days before the trapping begins. The
17 District must identify traps used in beaver control outside the
18 dates of the furbearer trapping season with metal tags with the
19 district's name legibly inscribed upon them. During the
20 furtrapping season, traps must be identified as prescribed by
21 law. Conibear traps at least size 330 shall be used except
22 during the statewide furbearer trapping season. During that
23 time trappers may use any device that is legal according to the
24 Wildlife Code. Except during the statewide furbearer trapping
25 season, beaver traps must be set in water at least 10 inches
26 deep. Except during the statewide furbearer trapping season,

1 traps must be set within 10 feet of an inhabited bank burrow or
2 house and within 10 feet of a dam maintained by a beaver. No
3 beaver or other furbearer taken outside of the dates for the
4 furbearer trapping season may be sold. All animals must be
5 given to the nearest conservation officer or other Department
6 of Natural Resources representative within 48 hours after they
7 are caught. Furbearers taken during the fur trapping season may
8 be sold provided that they are taken by persons who have valid
9 trapping licenses in their possession and are lawfully taken.
10 The District must submit an annual report showing the species
11 and numbers of animals caught. The report must indicate all
12 species which were taken.

13 The location of traps or snares authorized under this
14 Section, either by the Department or any other governmental
15 body with the authority to control species protected by this
16 Code, shall be exempt from the provisions of the Freedom of
17 Information Act.

18 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12;
19 98-1045, eff. 8-25-14.)

20 (520 ILCS 5/3.1-2) (from Ch. 61, par. 3.1-2)

21 Sec. 3.1-2. Veterans who, according to the determination of
22 the Veterans' Administration as certified by the Department of
23 Veterans' Affairs, are at least 10% disabled with
24 service-related disabilities or in receipt of total disability
25 pensions may hunt and trap any of the species protected by

1 Section 2.2, during such times, with such devices and by such
2 methods as are permitted by this Act, without procuring hunting
3 and trapping licenses, on the condition that their respective
4 disabilities do not prevent them from hunting and trapping in a
5 manner which is safe to themselves and others.

6 (Source: P.A. 83-58.)

7 (520 ILCS 5/3.1-4)

8 Sec. 3.1-4. Military members returning from mobilization
9 and service outside the United States.

10 (a) After returning from service abroad or mobilization by
11 the President of the United States as an active duty member of
12 the United States Armed Forces, the Illinois National Guard, or
13 the Reserves of the United States Armed Forces, an Illinois
14 resident may hunt and trap any of the species protected by
15 Section 2.2 of this Code without paying any fees required to
16 obtain a hunting license or a trapping license for the time
17 period prescribed by subsection (b) of this Section if the
18 Illinois resident applies for a license within 2 years after
19 returning from service abroad or mobilization. The applicant
20 shall provide acceptable verification of service or
21 mobilization to the Department either at the Department's
22 office in Springfield or at a Regional Office of the
23 Department.

24 (b) For each year that an applicant is an active duty
25 member pursuant to subsection (a) of this Section, the

1 applicant shall receive one free hunting license, one free
2 trapping license, one free Deer Hunting Permit as provided in
3 Section 2.26 of this Code and rules adopted pursuant to that
4 Section, and one free State Habitat Stamp. For the purposes of
5 this determination, if the period of active duty is a portion
6 of a year (for example, one year and 3 months), the applicant
7 will be credited with a full year for the portion of a year
8 served.

9 (c) (Blank).

10 (c-5) An Illinois resident veteran may obtain an Illinois
11 Hunter Education card if he or she completes the online study
12 section of the Illinois Hunter Education program and provides
13 the Department with acceptable verification of service or
14 mobilization.

15 (d) For the purposes of this Section, "acceptable
16 verification of service or mobilization" means official
17 documentation from the Department of Defense or the appropriate
18 Major Command showing mobilization dates or service abroad
19 dates, including: (i) a DD-214, (ii) a letter from the Illinois
20 Department of Military Affairs for members of the Illinois
21 National Guard, (iii) a letter from the Regional Reserve
22 Command for members of the Armed Forces Reserve, (iv) a letter
23 from the Major Command covering Illinois for active duty
24 members, (v) personnel records for mobilized State employees,
25 and (vi) any other documentation that the Department, by
26 administrative rule, deems acceptable to establish dates of

1 mobilization or service abroad.

2 (e) For the purposes of this Section, the term "service
3 abroad" means active duty service outside of the 50 United
4 States and the District of Columbia, and includes all active
5 duty service in territories and possessions of the United
6 States.

7 (Source: P.A. 98-118, eff. 7-30-13.)

8 (520 ILCS 5/3.1-7)

9 Sec. 3.1-7. Terminally ill hunter or trapper licensing
10 program. In order to facilitate hunting, trapping, and fishing
11 opportunities for a terminally ill person, the Director may
12 issue any license, tag, permit, or stamp and waive fees,
13 including transaction and dealer fees.

14 Youth may take game outside of an established season if
15 that youth is deemed to be terminally ill and the hunt is
16 pre-approved by the Director.

17 (Source: P.A. 97-215, eff. 1-1-12.)

18 (520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

19 Sec. 3.3. Trapping license required. Before any person
20 shall trap any of the mammals protected by this Act, for which
21 an open trapping season has been established, he shall first
22 procure a trapping license from the Department to do so. No
23 traps shall be placed in the field, set or unset, prior to the
24 opening day of the trapping season.

1 Traps used in the taking of such mammals shall be marked or
2 tagged with metal tags or inscribed in lettering giving the
3 name and address of the owner or the customer identification
4 number issued by the Department, and absence of such mark or
5 tag shall be prima facie evidence that such trap or traps are
6 illegally used and the trap or traps shall be confiscated and
7 disposed of as directed by the Department.

8 Before any person 18 years of age or older shall trap,
9 attempt to trap, or sell the green hides of any mammal of the
10 species defined as fur-bearing mammals by Section 2.2 for which
11 an open season is established under this Act, he shall first
12 have procured a State Habitat Stamp.

13 Beginning January 1, 2016, no trapping license shall be
14 issued to any person born on or after January 1, 1998 unless he
15 or she presents to the authorized issuer of the license
16 evidence that he or she has a certificate of competency
17 provided for in this Section.

18 The Department of Natural Resources shall authorize
19 personnel of the Department, or volunteer instructors, found by
20 the Department to be competent, to provide instruction in
21 courses on trapping techniques and ethical trapping behavior as
22 needed throughout the State, which courses shall be at least 8
23 hours in length. Persons so authorized shall provide
24 instruction in such courses to individuals at no charge, and
25 shall issue to individuals successfully completing such
26 courses certificates of competency in basic trapping

1 techniques. The Department shall cooperate in establishing
2 such courses with any reputable association or organization
3 which has as one of its objectives the promotion of the ethical
4 use of legal fur harvesting devices and techniques. The
5 Department shall furnish information on the requirements of the
6 trapper education program to be distributed free of charge to
7 applicants for trapping licenses by the persons appointed and
8 authorized to issue licenses.

9 The owners residing on, or bona fide tenants of farm lands,
10 and their children actually residing on such lands, shall have
11 the right to trap mammals protected by this Act, for which an
12 open trapping season has been established, upon such lands,
13 without procuring licenses, provided that such mammals are
14 taken during the periods of time and with such devices as are
15 permitted by this Act.

16 Any person on active duty in the Armed Forces or any person
17 with a disability who is a resident of Illinois, may trap any
18 of the species protected by Section 2.2, during such times,
19 with such devices and by such methods as are permitted by this
20 Act, without procuring a trapping license. For the purposes of
21 this Section, a person is considered a person with a disability
22 if he or she has a Type 1 or Type 4, Class 2 disability as
23 defined in Section 4A of the Illinois Identification Card Act.
24 For purposes of this Section, an Illinois Person with a
25 Disability Identification Card issued pursuant to the Illinois
26 Identification Card Act indicating that the person thereon

1 named has a Type 1 or Type 4, Class 2 disability shall be
2 adequate documentation of such a disability.

3 (Source: P.A. 100-638, eff. 1-1-19; 100-964, eff. 8-19-18;
4 101-81, eff. 7-12-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.